

***Effective 7/1/2015***

***Superseded 5/10/2016***

**59-12-2219 County option sales and use tax for highways and public transit -- Base -- Rate -- Distribution and expenditure of revenue -- Revenue may not supplant existing budgeted transportation revenue.**

- (1) As used in this section:
  - (a) "Class B road" means the same as that term is defined in Section 72-3-103.
  - (b) "Class C road" means the same as that term is defined in Section 72-3-104.
  - (c) "Eligible political subdivision" means a political subdivision that:
    - (i) on May 12, 2015, provides public transit services;
    - (ii) is not a public transit district; and
    - (iii) is not annexed into a public transit district.
  - (d) "Public transit district" means a public transit district organized under Title 17B, Chapter 2a, Part 8, Public Transit District Act.
- (2) Subject to the other provisions of this part, a county legislative body may impose a sales and use tax of .25% on the transactions described in Subsection 59-12-103(1) within the county, including the cities and towns within the county.
- (3) The commission shall distribute sales and use tax revenue collected under this section as provided in Subsections (4) through (7).
- (4) If the entire boundary of a county that imposes a sales and use tax under this section is annexed into a single public transit district, the commission shall distribute the sales and use tax revenue collected within the county as follows:
  - (a) .10% shall be transferred to the public transit district in accordance with Section 59-12-2206;
  - (b) .10% shall be distributed as provided in Subsection (6); and
  - (c) .05% shall be distributed to the county legislative body.
- (5) If the entire boundary of a county that imposes a sales and use tax under this section is not annexed into a single public transit district, or if there is not a public transit district within the county, the commission shall distribute the sales and use tax revenue collected within the county as follows:
  - (a) for a city or town within the county that is annexed into a single public transit district, the commission shall distribute the sales and use tax revenue collected within that city or town as follows:
    - (i) .10% shall be transferred to the public transit district in accordance with Section 59-12-2206;
    - (ii) .10% shall be distributed as provided in Subsection (6); and
    - (iii) .05% shall be distributed to the county legislative body;
  - (b) for an eligible political subdivision within the county, the commission shall distribute the sales and use tax revenue collected within that eligible political subdivision as follows:
    - (i) .10% shall be transferred to the eligible political subdivision in accordance with Section 59-12-2206;
    - (ii) .10% shall be distributed as provided in Subsection (6); and
    - (iii) .05% shall be distributed to the county legislative body; and
  - (c) the commission shall distribute the sales and use tax revenue, except for the sales and use tax revenue described in Subsections (5)(a) and (b), as follows:
    - (i) .10% shall be distributed as provided in Subsection (6); and
    - (ii) .15% shall be distributed to the county legislative body.
- (6)
  - (a) Subject to Subsection (6)(b), the commission shall make the distributions required by Subsections (4)(b), (5)(a)(ii), (5)(b)(ii), and (5)(c)(i) as follows:

- (i) 50% of the total revenue collected under Subsections (4)(b), (5)(a)(ii), (5)(b)(ii), and (5)(c)(i) within the counties that impose a tax under this section shall be distributed to the unincorporated areas, cities, and towns within those counties on the basis of the percentage that the population of each unincorporated area, city, or town bears to the total population of all of the counties that impose a tax under this section; and
  - (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(a)(ii), (5)(b)(ii), and (5)(c)(i) within the counties that impose a tax under this section shall be distributed to the unincorporated areas, cities, and towns within those counties on the basis of the location of the transaction as determined under Sections 59-12-211 through 59-12-215.
- (b)
  - (i) Population for purposes of this Subsection (6) shall be determined on the basis of the most recent official census or census estimate of the United States Census Bureau.
  - (ii) If a needed population estimate is not available from the United States Census Bureau, population figures shall be derived from an estimate from the Utah Population Estimates Committee created by executive order of the governor.
- (7)
  - (a) If a public transit district is organized after the date a county legislative body first imposes a tax under this section, a change in a distribution required by this section may not take effect until the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice from the public transit district of the organization of the public transit district.
  - (b) If an eligible political subdivision intends to provide public transit service within a county after the date a county legislative body first imposes a tax under this section, a change in a distribution required by this section may not take effect until the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice from the eligible political subdivision stating that the eligible political subdivision intends to provide public transit service within the county.
- (8) A county, city, or town may expend revenue collected from a tax under this section, except for revenue the commission distributes in accordance with Subsection (4)(a), (5)(a)(i), or (5)(b)(i), for:
  - (a) a class B road;
  - (b) a class C road;
  - (c) traffic and pedestrian safety, including for a class B road or class C road, for:
    - (i) a sidewalk;
    - (ii) curb and gutter;
    - (iii) a safety feature;
    - (iv) a traffic sign;
    - (v) a traffic signal;
    - (vi) street lighting; or
    - (vii) a combination of Subsections (8)(c)(i) through (vi);
  - (d) the construction, maintenance, or operation of an active transportation facility that is for nonmotorized vehicles and multimodal transportation and connects an origin with a destination;
  - (e) public transit system services; or
  - (f) a combination of Subsections (8)(a) through (e).
- (9) A public transit district or an eligible political subdivision may expend revenue the commission distributes in accordance with Subsection (4)(a), (5)(a)(i), or (5)(b)(i), for capital expenses and service delivery expenses of the public transit district or eligible political subdivision.

(10)

- (a) Revenue collected from a sales and use tax under this section may not be used to supplant existing general fund appropriations that a county, city, or town has budgeted for transportation as of the date the tax becomes effective for a county, city, or town.
- (b) The limitation under Subsection (10)(a) does not apply to a designated transportation capital or reserve account a county, city, or town may have established prior to the date the tax becomes effective.